

<b>RECEIVED</b> PROB 22 (Rev. 2/88) APR 22 2002		<b>TRANSFER OF JURISDICTION</b>		<b>FILED</b> APR 22 2002		DOCKET NUMBER (Tran. Court) 4:98CR84 SNL	
U. S. DISTRICT COURT EASTERN DISTRICT OF MO NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE: MCGINNIS, John 214 Park Drive Sterling, Illinois 61081		DISTRICT Eastern District of Missouri		U. S. DISTRICT COURT EASTERN DISTRICT OF MO		DOCKET NUMBER (Rec. Court) 02 CR 500 29	
		NAME OF SENTENCING JUDGE Honorable Stephen N. Limbaugh		DIVISION Eastern District of Missouri		2002 APR 26 PM 1:00 FILED - WD	
		DATES OF PROBATION/SUPERVISED RELEASE: FROM November 9, 2001		TO November 8, 2004		DOCKETED APR 26 2002	
OFFENSE Count One: 21 U.S.C., Section 846							
<b>PART 1 - ORDER TRANSFERRING JURISDICTION</b>							
UNITED STATES DISTRICT COURT FOR THE <u>District of Missouri, St. Louis</u>							
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for Northern District of Illinois, Western Division upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*							
<u>3 April 02</u> Date		<u>Stephen N. Limbaugh</u> United States District Judge					
*This sentence may be deleted in the discretion of the transferring Court.							
<b>PART 2 - ORDER ACCEPTING JURISDICTION</b>							
UNITED STATES DISTRICT COURT FOR THE Northern District of Illinois, Western Division							
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.							
<u>4-16-02</u> Effective Date		<u>Stephen N. Limbaugh</u> United States District Judge					

A TRUE COPY OF THE ORIGINAL  
 JAMES G. WOODWARD, CLERK  
 UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF MISSOURI  
 BY: Andrew Lusette  
 DEPUTY CLERK

#66

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MCGINNIS, and  
ALBERT PASLEY,

Defendants.

No.

4-98CR00084SNL

**INDICTMENT**

**COUNT I**

A TRUE COPY OF THE ORIGINAL  
JAMES G. WOODWARD, CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
BY: Richard Smith  
DEPUTY CLERK

The Grand Jury charges that:

Between on or about January, 1997, and November 1, 1997, in  
the Eastern District Of Missouri and elsewhere, the defendants,

**JOHN MCGINNIS, and  
ALBERT PASLEY,**

did knowingly and intentionally conspire, confederate and agree  
together, with each other and with other persons, both known and  
unknown to the grand jury, to commit the following offense against  
the United States: knowingly and intentionally possessing with  
intent to distribute marijuana, in violation of Title 21, United  
States Code, Section 841(a)(1) and punishable under Title 21,  
United States Code, Section 841(b)(1)(C).

In violation of Title 21, United States Code, Section 846.

**OVERT ACTS**

In furtherance of this conspiracy and to effect and accomplish  
the objects of it, one or more of the conspirators committed the

following overt acts:

(1) In or about January, 1997, the defendant JOHN MCGINNIS and a confidential informant Steven Miller engaged in a conversation relating to the purchase of marijuana in order to sell said marijuana and make some money;

(2) In or about September, 1997, the defendant JOHN MCGINNIS and confidential informant Steve Miller engaged in a telephone conversation in which they made arrangements to meet and discuss plans to purchase 400 lbs of marijuana;

(3) In or about September 22, 1997, in the Eastern District of Missouri, ALBERT PASLEY, JOHN MCGINNIS, and Steve Miller met and discussed their purchase of 400 lbs. of marijuana to be resold for profit;

(4) During October, 1997, JOHN MCGINNIS and Steve Miller engaged in telephone conversations planning the purchase of a quantity of marijuana by JOHN MCGINNIS and ALBERT PASLEY; and

(5) On or about October 18, 1997, in the Eastern District of Missouri, ALBERT PASLEY met with Steve Miller and gave him approximately \$10,000 cash as downpayment on the purchase of 200 lbs. of marijuana by ALBERT PASLEY and JOHN MCGINNIS. In exchange, Miller gave ALBERT PASLEY 200 lbs. of marijuana which was to be sold in Illinois immediately.

In violation of Title 21, United States Code, Section 846.

## COUNT II

The Grand Jury further charges that:

On or about October 18, 1997, within the Eastern District of

Missouri, the defendants,

**JOHN MCGINNIS, and  
ALBERT PASLEY,**


did knowingly and intentionally possess with the intent to distribute marijuana, a Schedule I controlled substance drug.

In violation of Title 21, United States Code, Section 841(a)(1), and punishable under Title 21, United States Code, Section 841(b)(1)(C) and Title 18, United States Code, Section 2.

A TRUE BILL.

  
FOREPERSON

EDWARD L. DOWD, JR.  
United States Attorney

  
DEAN R. HOAG, #6426  
Assistant United States Attorney

# United States District Court

## Eastern District of Missouri

FILED

SEP 29 1998

UNITED STATES OF AMERICA

v.

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

JOHN MCGINNIS

Case Number: 4:98CR84 SNL

Ilene A. Goodman

Defendant's Attorney

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 of the indictment on July 1, 1998
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty

## Title &amp; Section

## Nature of Offense

Date Offense  
ConcludedCount  
Number(s)

21 USC 846

Conspiracy to Possess With Intent to Distribute  
Marijuana

November 1, 1997

1

A TRUE COPY OF THE ORIGINAL  
JAMES G. WOODWARD, CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
BY: Andrea Lucette

DEPUTY CLERK

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☒ Count(s) 2 is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendants Soc. Sec. No.: 342-36-6580Defendant's Date of Birth: 05/25/45Defendant's USM No.: 08890-026

Defendant's Residence Address:

1501 E. Gardner Lane, Apt. 1128Peoria, Illinois 61614

Defendant's Mailing Address:

See Above

September 29, 1998

Date of Imposition of Judgment

Signature of Judicial Officer

Stephen N. Limbaugh

U.S. District Judge

Name &amp; Title of Judicial Officer

September 29, 1998

Date

#56

DEFENDANT: JOHN MCGINNISCASE NUMBER: 4:98CR84 SNL**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 45 months.

☒ The court makes the following recommendations to the Bureau of Prisons:  
that defendant receive jail time credit for time served under 18 USA Sec. 3585 (b).  
The Court further recommends that that defendant be placed at the prison camp in Greenville, Illinois.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ a.m./pm on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

Deputy U.S. Marshal

DEFENDANT: JOHN MCGINNISCASE NUMBER: 4:98CR84 SNL**SUPERVISED RELEASE**Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JOHN MCGINNIS

CASE NUMBER: 4:98CR84 SNL

### ADDITIONAL SUPERVISED RELEASE TERMS

1. The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter for use of a controlled substance.
2. The defendant shall participate, as directed by the probation officer, in a drug or alcohol abuse treatment program which may include substance abuse testing, counseling, residence in a community Corrections Center, residence in a comprehensive Sanctions Center, or inpatient treatment in a treatment center or hospital.



CASE NUMBER: 4:98CR84 SNL

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	Assessment	Fine	Restitution
1. Victim's Attorney's Fees			
2. Victim's Therapy			
3. Victim's Medical Expenses			
4. Victim's Lost Wages			
5. Victim's Travel Expenses			
6. Victim's Other Expenses			
7. Victim's Other Damages			
8. Victim's Other Damages			
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112. Victim's Other Damages	</		

Sheet 5, Part B.	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Count 1	\$100.00		
Totals:	\$100.00		

☐ If applicable, restitution amount ordered pursuant to plea agreement \_\_\_\_\_

The above fine includes costs of incarceration and/or supervision in the amount of \_\_\_\_\_

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived.

☐ The interest requirement is modified as follows:

☐ The determination of restitution is deferred until \_\_\_\_\_ . An Amended Judgment in a Criminal Case will be entered after such a determination.

☐ The defendant shall make restitution, payable through the Clerk of Court, to the following payees in the amounts listed below.

**If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.**

[illegible]**Totals:**

\* Findings for the total amount of losses are required under Chapters 1 09A, 1 10, 1 10A, and 11 3A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: JOHN MCGINNISCASE NUMBER: 4:98CR84 SNL**SCHEDULE OF PAYMENTS**

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ in full immediately; or
- B ☐ \_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C ☐ not later than \_\_\_\_\_, or
- D ☐ in installments to commence \_\_\_\_\_ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E ☐ in \_\_\_\_\_ installments of \_\_\_\_\_ over a period of \_\_\_\_\_ to commence \_\_\_\_\_ after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

☐ Joint and Several

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are to be made as directed by the court, the probation officer, or the United States attorney.

DEFENDANT: JOHN McGINNISCASE NUMBER: 4:98CR84 SNL

## STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

## Guideline Range Determined by the Court:

Total Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Imprisonment Range: \_\_\_\_\_ to \_\_\_\_\_ months

Supervised Release Range: \_\_\_\_\_ to \_\_\_\_\_ years

Fine Range: \_\_\_\_\_ to \_\_\_\_\_

☒ Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \_\_\_\_\_

- ☐ Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).
- ☐ For offenses committed on or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated, pursuant to Chapters 1 09A, 110, 110A, and 11 3A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.
- ☐ Partial restitution is ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

☒ The sentence departs from the guideline range:☒ upon motion of the government, as a result of defendant's substantial assistance.☐ for the following specific reason(s):

□E□&k2S□&l14C□&l1E□&l7.64C□&a1L□&a132M□&l66F□E□&k2S□&l14C□&l1E□&l7.64C□&a0L□&l16  
P

UNITED STATES DISTRICT COURT - EASTERN MISSOURI  
INTERNAL RECORD KEEPING

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED AND FAXED TO THE FOLLOWING  
INDIVIDUALS ON 10/01/98 by aluisett  
4:98cr84 USA vs McGinnis

Eric Butts - 2761  
Fed Public Defender -  
Ilene Goodman - 30932  
Dean Hoag - 6426

Fax: 314-621-7448  
Fax: 314-421-3177  
Fax: 314-421-3177  
Fax: 314-539-2309

□E

SCANNED & FAXED BY:

OCT - 1 1998

J. M. W.

TERMED 6/15J

U.S. District Court  
Eastern District of Missouri (Eastern)

CRIMINAL DOCKET FOR CASE #: 98-CR-84-ALL

USA v. McGinnis, et al  
Dkt # : is :98-m -06010

Filed: 02/25/98

Case Assigned to: Honorable Stephen N. Limbaugh

JOHN MCGINNIS (1) , 4531 Aspen  
Lane, Maywood, MO 63454  
defendant  
[term 09/30/98]

Ilene A. Goodman  
[term 09/30/98]  
314-421-3177 fax  
[COR LD NTC pda]  
Fed Public Defender  
[term 03/06/98]  
314-421-3177 fax  
[COR LD NTC pda]  
FEDERAL PUBLIC DEFENDER  
1010 Market Street  
Suite 200  
St. Louis, MO 63101  
314-241-1255  
FTS 421-3177

Pending Counts:

Disposition

21:846=MD.F CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(1)

Defendant is committed to the  
US-BOP to be imprisoned for a  
term of 45 months. Defendant  
shall be on supervised  
release for a term of 3 years.  
Defendant shall pay a  
special assessment fee of  
\$100.00 due immediately.  
(1)

A TRUE COPY OF THE ORIGINAL  
JAMES G. WOODWARD, CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
BY: [Signature] DEPUTY CLERK

Offense Level (opening): 4

Terminated Counts:

Disposition

21:841A=MD.F MARIJUANA - SELL,  
DISTRIBUTE, OR DISPENSE  
(2)

Dismissed on motion of the USA.  
(2)

Offense Level (disposition): 4

Proceedings Include All Events.  
4:98cr84-ALL USA v. McGinnis, et al

TERMED

6/15J

Complaints:

NONE

=====

Case Assigned to: Honorable Stephen N. Limbaugh

ALBERT PASLEY (2)  
defendant  
[term 07/17/98]

Eric W. Butts  
[term 07/17/98]  
314-621-7448 fax  
[COR LD NTC cja]  
720 Olive  
Suite 2301  
St. Louis, MO 63101  
314-621-1617  
FTS 621-7448

Pending Counts:

Disposition

21:846=MD.F CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(1)

This Deft is committed to the  
custody of the BOP for a term  
of 37 months on count one and  
37 months on count two, each  
to run concurrently.  
Supervised Release for a term  
of three years on counts  
one and two to run  
concurrently. (1)

21:841A=MD.F MARIJUANA - SELL,  
DISTRIBUTE, OR DISPENSE  
(2)

This Deft is committed to the  
custody of the BOP for a term  
of 37 months on count one and  
37 months on count two, each  
to run concurrently.  
Supervised Release for a term  
of three years on counts  
one and two to run  
concurrently. (2)

Offense Level (opening): 4

Terminated Counts:

NONE

Complaints:

Docket as of April 24, 2002 11:27 am

Page 2

Proceedings Include All Events.  
4:98cr84-ALL USA v. McGinnis, et al

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NONE

U. S. Attorneys:

Dean R. Hoag  
314-539-7695 fax  
[COR LD NTC]  
OFFICE OF U.S. ATTORNEY  
111 S. Tenth Street  
20th Floor  
St. Louis, MO 63102  
314-539-2200  
FTS 539-7695

Proceedings Include All Events.  
4:98cr84-ALL USA v. McGinnis, et al

TERMED

6/15J

2/25/98 1 INDICTMENT (referred to Mag Judge Thomas C. Mummert ) by USA ; Counts filed against John McGinnis (1) count(s) 1, 2, Albert Pasley (2) count(s) 1, 2 (glf) [Entry date 02/25/98]

2/25/98 2 APPEARANCE for plaintiff USA by Attorney Dean R. Hoag (glf) [Entry date 02/25/98]

2/25/98 3 MOTION for detention as to defendant: McGinnis, and for hearing as to defendant: McGinnis by USA (glf) [Entry date 02/25/98] [Edit date 03/03/98]

2/25/98 -- ARREST Warrant issued for John McGinnis (glf) [Entry date 02/25/98]

2/25/98 -- ARREST Warrant issued for Albert Pasley (glf) [Entry date 02/25/98]

2/27/98 -- ARREST of defendant John McGinnis on 2/27/98 (kec) [Entry date 02/27/98]

2/27/98 4 MINUTES: before Mag Judge Frederick Buckles initial appearance of John McGinnis ; No Attorney(s) present for defendant; ,Advised of Rights, Nature of Offense, and given a copy of Indictment. Court to appoint Counsel, Oral Report from Pretrial Services by Officer James Smith ; detention hearing set for 9:30 3/3/98 for John McGinnis Magistrate Judge Buckles; arraignment set for 9:00 3/3/98 for John McGinnis before Magistrate Judge Mummert referred to Mag Judge Frederick Buckles the motion for detention as to defendant: McGinnis [3-1] as to defendant McGinnis ; Defendant Location: Custody; court reporter: C. Liddy; proceedings started: 11:10 am - ended: 11:20 am (glf) [Entry date 03/03/98]

2/27/98 -- ORDER as to defendant John McGinnis by Mag Judge Frederick Buckles dft is in need of counsel, the Court will appoint the Federal Public Defender to represent the dft (cc: all counsel, USPT, USP, USM) (llw) [Entry date 03/06/98]

3/3/98 5 MINUTES: before Mag Judge Thomas C. Mummert re [3-1] finding the motion for detention as to defendant: McGinnis [3-1] moot. as to defendant MCGinnis ; Defendant Location: Custody; court reporter: S. Tomlinson; proceedings started: 9:40 - ended: 9:45 (lsd) [Entry date 03/04/98]

3/3/98 6 MINUTES: before Mag Judge Thomas C. Mummert arraignment held on 3/3/98 ; motion/evidentiary hearing set for 9:00 3/30/98 for John McGinnis ; jury trial set for 9:30 6/15/98 for John McGinnis as to defendant McGinnis ; Defendant Location: Custody; court reporter: L. Wildermuth/ECRO; proceedings started: 9:05 - ended: 9:10 (lsd) [Entry date 03/04/98]



Proceedings Include All Events.

TERMED

4:98cr84-ALL USA v. McGinnis, et al

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3/3/98 7 ORDER PRETRIAL MOTIONS by Mag Judge Thomas C. Mummert  
Disclose suppressible evidence: 3/8/98. Each party to file  
Pretrial disclosure: 3/8/98. Each party to respond to  
Pretrial disclosure: 3/13/98. See order for details (lsd)  
[Entry date 03/04/98]

3/4/98 8 ORDER of Detention by Mag Judge Frederick Buckles as to  
John McGinnis (cc: all counsel, USPT, USP, USM) (llw)  
[Entry date 03/06/98] [Edit date 03/10/98]

3/4/98 -- ARREST of defendant Albert Pasley on 3/4/98 in USDC CDIL  
Peoria IL (ljk) [Entry date 03/09/98]

3/6/98 9 SUBSTITUTION of Attorney Ilene A. Goodman replacing  
attorney Fed Public Defender for John McGinnis (bak)  
[Entry date 03/09/98]

3/6/98 10 ARREST Warrant returned executed as to John McGinnis on  
2/27/98 (lsd) [Entry date 03/10/98]

3/9/98 11 RULE 40 Documents received from District of Central IL as  
to defendant Albert Pasley including: docket sheets;  
agreement to forfeit property; appearance bond in the amt.  
of \$15,000 secured by property; order setting conditions of  
release; waiver of Rule 40 hearings (lsd)  
[Entry date 03/10/98]

3/10/98 12 MINUTES: before Mag. Judge Terry I. Adelman initial  
appearance of Albert Pasley ; No Attorney(s) present for  
Defendant;; Bond set for Albert Pasley per initial  
appearance in the Southern District of Illinois, conditions  
of bond to remain the same, Defendant advised of; Nature of  
Offense, Right to remain silent, Right to an Attorney, if  
indigent, Right to have attorney appointed by the Court.  
Defendant requests appointment of counsel ; arraignment  
set for 2:30 3/10/98 for Albert Pasley before Magistrate  
Mummert as to defendant Pasley ; Defendant Location: Bond;  
court reporter: G. Freeman; proceedings started: 11:20 am -  
ended: 11:25 am (glf) [Entry date 03/12/98]

3/10/98 13 CJA Form 23 (Financial Affidavit) as to Albert Pasley (glf)  
[Entry date 03/12/98]

3/10/98 14 CJA Form 20 Copy 4 (Appointment of Counsel) Appointed Eric  
Butts, Attorney for defendant Albert Pasley (glf)  
[Entry date 03/12/98]

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- 3/10/98 15 MINUTES: before Mag Judge Thomas C. Mummert dft Albert Pasley arraigned; Not Guilty plea entered; Attorney present;; motion/evidentiary hearing set for 3:30 3/30/98 for Albert Pasley before Magistrate Mummert; jury trial set for 9:30 5/15/98 for Albert Pasley before District Judge Limbaugh as to defendant Pasley ; Defendant Location: Bond; court reporter: L. Wildermuth; proceedings started: 2:35 pm - ended: 2:40 pm (glf) [Entry date 03/12/98]
- 3/10/98 16 ORDER PRETRIAL MOTIONS by Mag Judge Thomas C. Mummert ; motion filing ddl set for 3/25/98 for Albert Pasley Disclose suppressible evidence: March 29, 1998. Each party to file Pretrial disclosure: March 15, 1998. Each party to respond to Pretrial disclosure: March 20, 1998. Evidentiary Hearing set for March 30, 1998 at 3:30 pm before Magistrate Mummert. (glf) [Entry date 03/12/98]
- 3/10/98 17 ORDER as to defendant McGinnis and Pasley by Mag Judge Thomas C. Mummert ; motion/evidentiary hrg set for 3:30 3/3/98 for John McGinnis, for Albert Pasley (changed from 3/30/98 at 9:00am) (cc: all counsel, USPT, USP, USM) (glf) [Entry date 03/12/98]
- 3/13/98 -- ARREST Warrant returned executed as to Albert Pasley on 3/3/98 (llw) [Entry date 03/16/98]
- 3/18/98 18 ORDER by Mag Judge Thomas C. Mummert ; motion/evidentiary hrg reset for 9:30 4/1/98 for John McGinnis, for Albert Pasley (cc: all counsel, USPT, USP, USM) (lsd) [Entry date 03/19/98]
- 3/24/98 19 MOTION to suppress Evidence & Statements as to defendant John McGinnis by John McGinnis; LEAVE TO FILE GRANTED (llw) [Entry date 03/25/98]
- 3/24/98 20 MOTION to dismiss count(s) (Indictment) as to John McGinnis (1) count(s) 1, 2 by John McGinnis; LEAVE TO FILE GRANTED (llw) [Entry date 03/25/98]
- 4/1/98 21 RESPONSE by plaintiff USA to motion to dismiss count(s) (Indictment) as to John McGinnis (1) count(s) 1, 2 [20-1], motion to suppress Evidence & Statements as to defendant John McGinnis [19-1] (llw) [Entry date 04/01/98]
- 4/1/98 22 MINUTES: before Mag Judge Thomas C. Mummert pretrial motions satisfied on 4/1/98 ; motion/evidentiary hearing held 4/1/98 as to defendant McGinnis ; Defendant Location: Bond; court reporter: L. Wildermuth (Ecro); proceedings started: 9:40 am - ended: 10:00 am The Court has heard the testimony on the Motion to suppress and takes the matter under submission. (glf) [Entry date 04/03/98]

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- 4/1/98 23 MINUTES: before Mag Judge Thomas C. Mummert pretrial motions satisfied on 4/1/98 ; motion/evidentiary hearing held 4/1/98 as to defendant Pasley ; Defendant Location: Bond; court reporter: L.Wildermuth, (Ecro); proceedings started: 9:40 am - ended: 9:50 am Defendant indicates that he does wish to waive & withdraw any pending pretrial Motions. The Court Grants the same. (glf)  
[Entry date 04/03/98]
- 4/2/98 24 LETTER from Magistrate Judge Thomas C. Mummert to District Judge Stephen Limbaugh re: On the date the pre-trial motions were scheduled for hearing, counsel for the defendant Albert Pasley advised the Court that no pre-trial motions would be filed on behalf of his client. The government has filed no pre-trial motions. Therefore, no recommendation will be forthcoming from Judge Mummert in this matter. A Report and Recommendation will be provided to Judge Limbaugh regarding co-defendant John McGinnis. (bak)  
[Entry date 04/03/98]
- 4/3/98 25 LETTER to counsel re: withdrawal of pretrial mtns. (kec)  
[Entry date 04/06/98]
- 4/3/98 26 MARSHAL'S RETURN of writ of habeas corpus ad testificandum executed on 3/31/98 & 4/1/98 as to John McGinnis (lsd)  
[Entry date 04/07/98]
- 4/7/98 27 ORDER as to defendant Albert Pasley by Honorable Stephen N. Limbaugh ; change of plea hearing set for 2:00 4/17/98 for Albert Pasley (cc: all counsel, USPT, USP, USM) (bak)  
[Entry date 04/10/98]
- 4/23/98 28 MINUTES: before Honorable Stephen N. Limbaugh jury trial cancelled on 3/3/98 change of plea hearing held on 4/23/98 ; sentencing hearing set for 1:00 7/23/98 for Albert Pasley guilty plea entered by Albert Pasley ; objection to PSR deadline set for 5/14/98 for Albert as to defendant Albert Palsey ; Defendant Location: BOND; court reporter: gary bond; proceedings started: 11:15 - ended: 11:35 (jwj) [Entry date 04/24/98]
- 4/23/98 29 Presentence report order form issued for defendant Albert Pasley signed by Eric W. Butts cc:Probation (jwj)  
[Entry date 04/24/98]
- 4/23/98 30 STIPULATION OF FACTS RELATIVE TO SENTENCING by Albert Pasley regarding [28-2] (jwj) [Entry date 04/24/98]
- 4/30/98 31 REPORT AND RECOMMENDATION concerning motion to dismiss count(s) (Indictment) as to John McGinnis (1) count(s) 1, 2 [20-1], motion to suppress Evidence & Statements as to defendant John McGinnis [19-1] by Mag Judge Thomas C. Mummert ; Objection to RR ddl 5/11/98. Memorandum in support attached. (cc: all counsel, USPT, USP, USM) (bak)

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[Entry date 05/01/98] [Edit date 05/01/98]

5/8/98 32 OBJECTIONS by John McGinnis to Report and Recommendation [31-1] (bak) [Entry date 05/11/98]

6/8/98 33 MOTION for order by USA (FILED UNDER SEAL) (lah) [Entry date 06/09/98]

6/8/98 33 RULED DOCUMENT by Mag Judge Lawrence O. Davis granting motion for order [33-1] (FILED UNDER SEAL) (cc: all counsel, USPT, USP, USM) (lah) [Entry date 06/09/98]

6/10/98 34 ORDER by Honorable Stephen N. Limbaugh ; change of plea hearing set for 11:00 7/1/98 for John McGinnis (cc: all counsel, USPT, USP, USM) (lah) [Entry date 06/12/98]

6/19/98 35 ORDER as to defendant John McGinnis by Honorable Stephen N. Limbaugh adopting report and recommendation motion REPORT AND RECOMMENDATION concerning motion to dismiss count(s) (Indictment) as to John McGinnis (1) count(s) 1, 2 [20-1], motion to suppress Evidence & Statements as to defendant John McGinnis [19-1] [31-1], denying motion to dismiss count(s) (Indictment) as to John McGinnis (1) count(s) 1, 2 [20-1], denying motion to suppress Evidence & Statements as to defendant John McGinnis [19-1] (cc: all counsel, USPT, USP, USM) (bdc) [Entry date 06/23/98]

7/1/98 36 MINUTES: before Honorable Stephen N. Limbaugh guilty plea entered by John McGinnis ; objection to PSR deadline set for 9/3/98 for John McGinnis, for USA, jury trial held on 7/1/98 change of plea hearing held on 7/1/98 ; sentencing hearing set for 11:30 9/24/98 for John McGinnis  
hn McGinnis ; Defendant Location: ;  
court reporter: Lynn Shrum; proceedings started: 1120am - ended: 1135am (bdc) [Entry date 07/02/98]

7/1/98 37 STIPULATION OF FACTS RELATIVE TO PLEA Agreement and Sentencing as to John McGinnis (bdc) [Entry date 07/02/98]

7/9/98 38 ACCEPTANCE TO PSR by Albert Pasley. (lah) [Entry date 07/09/98]

7/13/98 39 MOTION to continue sentencing as to defendant Albert Pasley by Albert Pasley (bdc) [Entry date 07/13/98]

7/13/98 40 IMG RULED DOCUMENT by Honorable Stephen N. Limbaugh granting motion to continue sentencing as to defendant Albert Pasley [39-1] ; sentencing hearing set for 2:00 7/17/98 for Albert Pasley (cc: all counsel, USPT, USP, USM) (bdc) [Entry date 07/13/98]

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7/14/98 41 IMG ORDER as to defendant Albert Pasley by Honorable Stephen N. Limbaugh ; sentencing hearing is re set for 2:00 7/17/98 for Albert Pasley (cc: all counsel, USPT, USP, USM) (bdc) [Entry date 07/15/98]

7/17/98 42 RECEIPT # S98-008088 in the amount of \$ 200.00 for special assessment as to Albert Pasley (bdc) [Entry date 07/21/98]

7/17/98 43 MINUTES: before Honorable Stephen N. Limbaugh sentencing hearing held on 7/17/98 as to defendant Albert Pasley ; Defendant Location: BOND; court reporter: Lynn Shrum; proceedings started: 205pm - ended: 225pm (bdc) [Entry date 07/21/98]

7/17/98 44 PRESENTENCE Report on Albert Pasley (bdc) [Entry date 07/21/98]

7/17/98 45 IMG JUDGMENT by Honorable Stephen N. Limbaugh as to Albert Pasley sentencing Albert Pasley (2) count(s) 1, 2 . This Deft is committed to the custody of the BOP for a term of 37 months on count one and 37 months on count two, each to run concurrently. Supervised Release for a term of three years on counts one and two to run concurrently., terminating party Albert Pasley (cc: all counsel, USPT, USP, USM) (bdc) [Entry date 07/21/98]

8/3/98 46 MOTION for order to reopen issue of detention due to change in circumstances as to defendant John McGinnis by John McGinnis (lah) [Entry date 08/04/98]

8/27/98 47 ACCEPTANCE TO PSR by USA ; objection to PSR deadline met on 8/27/98 as to deft John McGinnis (bdc) [Entry date 08/31/98]

8/31/98 48 MARSHAL'S RETURN of judgment executed on 8/24/98 as to Albert Pasley (lah) [Entry date 09/01/98]

9/2/98 49 ACCEPTANCE TO PSR by John McGinnis (lah) [Entry date 09/03/98]

9/18/98 50 ORDER by Mag Judge Frederick Buckles denying motion for order to reopen issue of detention due to change in circumstances as to defendant John McGinnis [46-1] (cc: all counsel, USPT, USP, USM) (lah) [Entry date 09/21/98]

9/23/98 51 ACCEPTANCE TO PSR by USA as to deft John McGinnis (lah) [Entry date 09/24/98]

9/24/98 52 IMG ORDER by Honorable Stephen N. Limbaugh ; sentencing hearing set for 1:00 9/29/98 for John McGinnis (cc: all counsel, USPT, USP, USM) (lah) [Entry date 09/24/98]

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9/29/98 53 MOTION for departure from standard sentencing as to defendant: John McGinnis by USA (FILED UNDER SEAL) (lah) [Entry date 09/29/98]

9/29/98 54 MINUTES: before Honorable Stephen N. Limbaugh sentencing hearing held on 9/29/98; J&C to follow as to defendant John McGinnis ; Defendant Location: Custody; court reporter: Lynn Shrum; proceedings started: 1:10 - ended: 1:25 (arl) [Entry date 09/30/98]

9/29/98 55 PRESENTENCE REPORT FILED UNDER SEAL on John McGinnis (arl) [Entry date 09/30/98]

9/30/98 56 IMG JUDGMENT by Honorable Stephen N. Limbaugh as to John McGinnis sentencing John McGinnis (1) count(s) 1. Defendant is committed to the US-BOP to be imprisoned for a term of 45 months. Defendant shall be on supervised release for a term of 3 years. Defendant shall pay a special assessment fee of \$100.00 due immediately., dismissing counts as to John McGinnis (1) count(s) 2. Dismissed on motion of the USA., case terminated (cc: all counsel, USPT, USP, USM) (arl) [Entry date 10/01/98]

11/24/98 57 MARSHAL'S RETURN of judgment executed on 11/16/98 Deft delivered to: FPC, Greenville, IL as to John McGinnis (set) [Entry date 11/25/98]

11/30/98 58 CJA Form 20 (Attorney Payment Voucher) paid to Eric Butts, in the amount of \$1290.00, and recorded on voucher number 0789188 as to Albert Pasley (set) [Entry date 12/01/98]

4/28/99 59 RECEIPT # s99-5516 in the amount of \$ 25.00 for special assessment BOP payment date: 3/9/99 as to John McGinnis (set) [Entry date 05/04/99]

7/28/99 60 RECEIPT # S99-7925 in the amount of \$ 25.00 for special assessment BOP payment date: 6/4/99 as to John McGinnis (lgk) [Entry date 07/30/99]

10/21/99 61 RECEIPT # S2000-577 in the amount of \$ 25.00 for special assessment BOP payment date: 9/10/99 as to John McGinnis (lgk) [Entry date 10/26/99]

1/26/00 62 RECEIPT # S2000-3216 in the amount of \$ 25.00 for Spec. Assess. BOP payment date: 12/10/99 as to John McGinnis (arl) [Entry date 01/26/00]

7/31/00 63 IMG Probation Transfer to District of Central Illinois as to defendant Albert Pasley sent by Clerks Office (cc: indictment, judgement, probation papers) (arl) [Entry date 08/07/00]

8/7/00 64 LETTER from USDC, Clerk to USDC, Central District of Illinois re Probation Transfer for defendant Albert Pasley



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(arl) [Entry date 08/07/00]

8/14/00 65 RECEIPT for Transfer of Jurisdiction as to Albert Pasley.  
New case number in the Central District of Illinois  
00-30062. Received on 8/10/00. (arl) [Entry date 08/15/00]

4/22/02 66 Probation Transfer to Norther District of Illinois,  
Western District as to defendant John McGinnis sent by  
Clerks Office (cc: indictment, judgement, probation papers)  
(arl) [Entry date 04/24/02]